

REMARKS

The Official Action of February 20, 2009, has been carefully reviewed. The claims remaining in the application are claims 1, 3-14, 23, 24, 26-18, 30-32, 36-48 and 50-56, all directed to elected subject matter.

By virtue of the Preliminary Amendment made above, based on the requirements of the Office Action of February 20, 2009, claims 14-22, 25, 29, 33-35, 49 and 57-97 have been cancelled without prejudice as being directed to non-elected subject matter which, if the claims were to be retained, would be held as "withdrawn".

For the record, those claims canceled above because they are directed to non-elected subject matter have been cancelled without prejudice to applicants' rights to pursue such claims in a divisional application without any penalty whatsoever, applicants in such a case relying on Sections 121, 120 and 119.

Restriction has first been required among what the PTO deems as being three separate inventions which are held to be patentably distinct from one another. The applicants have accordingly respectfully and provisionally elected Group I without prejudice and without traverse.

Appln. No. 10/585,582
Reply dated May 18, 2009
Reply to Office Action of February 20, 2009

As regards the further species election between what is identified as species A and species B, applicants respectfully and provisionally elect species A without traverse and without prejudice. The claims which read on species A are claims 1, 3-13, 23, 24, 26-28, 30-32, 36-48 and 50-56.

Consistent with the elections made above, claim 1 has been amended to cancel without prejudice the subject matter of species B (withdrawn subject matter), and to include the subject matter of claim 2.

Applicants now respectfully await the results of an examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By



Sheridan Neimark
Registration No. 20,520

SN:jnj

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\bn\c\cohn\finkelestein\pto\2009-05-18\RestrictResp.doc